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ute for being drunk and boisterous and thereby disturbing the public, he cannot plead former conviction under a municipal ordinance which provides for the punishment of any person whether intoxicated or not who becomes so boisterous or disorderly as to disturb the public. *Morris v. State, supra*. Where, however, a State statute confers upon municipal officers jurisdiction to try offenses against the State, it makes such officers officers of the State for the trial of these offenses, and such a case is not analogous to the trial for a mere violation of a city ordinance. See *Brooke v. State*, 155 Ala. 78, 46 South. 491. And under a statute providing that a conviction before any police or mayor's court in any city or town shall be a bar to further prosecution before a justice of the peace for such offenses and for any misdemeanor embraced in the act committed, it was held that a conviction in a mayor's court would bar a prosecution before a justice of the peace although the municipal ordinance did not provide the same penalty as the State statute prescribed. *Richardson v. State*, 56 Ark. 367, 19 S. W. 1052.

In the instant case the court held that the legislature, by providing that the penalty under the municipal ordinance should not be less than that under the State statute, intended that a violation of both by the same act would constitute but one offense, and therefore the plea of former jeopardy should be sustained.

EQUITY—INJUNCTION—MULTIPLICITY OF SUITS IN JUSTICE'S COURT WITHOUT MERITORIOUS CAUSE.—A number of separate suits based upon the same alleged wrongful act and to which the same defense would apply were instituted against the appellants in a justice's court. These suits were without merit, and the damages claimed were placed just below the amount that would permit the appellants to appeal. The appellants brought suit to enjoin the appellees from further prosecuting their suits separately in a justice's court, and further to require appellees to implead their separate causes of action and to determine all issues between the parties in the suit brought by appellants. Held, the injunction is granted. *Houston Heights Water & Light Ass'n v. Gerlach* (Texas), 216 S. W. 634.

Under ordinary circumstances, the fact that a number of persons have separate and distinct rights of action, arising out of the same transaction, of a similar character, and against the same defendant, does not interfere with the individual right and privilege of such persons to prosecute their suits separately to a conclusion. See *Illinois, etc., R. Co. v. Baker*, 155 Ky. 512, 159 S. W. 1169, 49 L. R. A. (N. S.) 496.

Modern decisions, however, with few exceptions, seem to uphold the doctrine that equity has jurisdiction to enjoin plaintiffs from bringing separate suits where the cases arise from the same common cause, are governed by the same legal principle, and involve similar facts. The injunction is granted to prevent a multiplicity of suits. See 1 POMEROY, EQUITY JURISPRUDENCE, 3rd ed., § 245, and cases cited in footnotes.

In the instant case the injunction was granted merely to prevent a multiplicity of suits, even though the claims asserted were valid and meritorious. *Houston Heights Water & Light Ass'n v. Gerlach, supra*.

But a similar injunction was granted upon different grounds where the claims asserted were not of a meritorious character. *Illinois, etc., R Co. v. Baker, supra*. In this case the court stressed the fact that the plaintiffs did not have a meritorious claim. The court reasoned that if no one of the plaintiffs was entitled to recover from the defendant, it would be unreasonable to subject the defendant to the unusual hardship, expense and inconvenience of defending these multitudinous suits in a court from the judgment of which there could be no appeal because of the jurisdictional amount involved. To withhold this equitable jurisdiction in case of an adverse judgment would be tantamount to compelling the defendant to pay a large sum of money to satisfy the various judgments without an opportunity to have his rights determined by a court speaking with more authority than a justice's court. The court further reasoned that to invoke the jurisdiction of equity would not, in any event, place the substantial rights of the plaintiffs in jeopardy, because they had no substantial rights which could be jeopardized or prejudiced; nor would it deny to them the right to seek lawful redress in any court established by law, because they had suffered no injury that would entitle them to such redress. See *Illinois, etc., R. Co. v. Baker, supra*.

Upon a similar state of facts it was held that where one person is made defendant in a large number of suits involving different plaintiffs but the same facts and circumstances, equity will intervene by injunction to prevent a multiplicity of such suits, especially when the suits are not based upon a meritorious claim. *Buckeye Garment Co. v. Hieatt*, 177 Ky. 783, 198 S. W. 21.

A like conclusion was reached where thirty nine members of a fraternal organization instituted separate suits in a justice's court against the Supreme Lodge to determine the right of the lodge to put in force an increased rate of assessment and to recover the assessments previously paid to the lodge. The question of the merits of the suits did not arise, and the decision was based upon the equitable jurisdiction of the court to prevent a multiplicity of suits. *Supreme Lodge of Fraternal Union of America v. Ray* (Tex. Civ. App.), 166 S. W. 46.

Upon a similar question, an injunction was granted where the separate suits brought in a justice's court were alleged to be not only groundless but vexatious as well, and brought for the purpose of annoying the defendant. *Jordon v. Western Union Telegraph Co.*, 69 Kan. 140, 76 Pac. 396.

The decision in the instant case is evidently sound by both reason and authority.

EXECUTORS AND ADMINISTRATORS—LIABILITY FOR DEPRECIATION OF ESTATE.—A decedent, by will, gave his property to his executor in trust. The principal asset of the estate consisted of a retail liquor business. Under authority of the will, the executor continued the business, meanwhile making several unsuccessful efforts to sell it. Finally, upon the advice of counsel, the business was offered for sale at public auction. The highest bid, being insufficient to pay the decedent's debts, was